IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24133 of 1995

Between:

Sai Sea Foods, rep.by its Executive Partner K.SrinivasPrasad
24, Kirlampudi Layout Visakhapatnam-23

..... PETITIONER

AND

1 Agricultural Market Committee, rep.by its Secretary
Visakhapatnam
2 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Vijayawada Krishna Dist.
3 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Tanguturu Prakasam Dist.
4 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Martur Prakasam Dist.
5 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Nellore Nellore Dist.
6 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Naidupet Nellore Dist.
7 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Medarmetla Addanki
Prakasam Dt.
8 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Ravulapalem Kothapeta
E.G.Dist.
9 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Eluru W.G.Dist.
10 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Kavali Nellore Dist.
11 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Ambajipeta E.G.Dist.
12 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Guntur Guntur Dist.
13 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Mangagiri Guntur Dist.
14 Agricultural Market Committee, rep. by its Spl. Grade Secretary

Chilakampeta Guntur Dist.

15 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Singarayakonda, Kandukur
Prakasam Dist.

16 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Anakapalle Vizag Dist.

17 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Yellamanchili Vizag Dist.

18 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Narsipatnam Vizag Dist.

19 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Tuni Visakhapatnam Dist.

20 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Rajahmundry
E.G.Dist.

21 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Pithapuram
E.G.Dist.

22 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Ramachandrapauram
E.G.Dist.

23 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Mandapeta
E.G.Dist.

24 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Tadepalligudem W.G.;Dist.

25 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Kovvur W.G.;Dist.

26 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Tanuku W.G.Dist.

27 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Kaikalur Krishna Dist.

28 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Vuyyuru Krishna Dist.

29 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Bapatla Guntur Dist.

30 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Chirala Prakasam Dist.

31 Agricultural Market Committee, rep. by its Spl. Grade Secretary
TADA Prakasam Dist.

32 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Ongole Prakasam Dist.

33 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Vizianagaram

34 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Srikakulam

35 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Palacole W.G.Dist.

36 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Bhimavaram E.G.Dist.

37 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Bheemunipatnam (Bhimili) Vizag Dist.

38 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Repalle Guntur Dist.
39 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Machilipatnam Krishna Dist.
40 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Nagayalanka Krishna Dist.
41 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Kothapeta E.G.Dist.
42 Agricultural Market Committee,
Amalapuram E.G.Dist.
43 Agricultural Market Committee, rep. by its Spl. Grade Secretary
Kakinada E.G.Dist.
44 Govt. of A.P., rep. by its Secretary,
Food & Agricultural Dept., Secretariat,
Hyderabad
45 Govt. of India. rep. by its Secretary,
Industries Dept., Central Secretariat,
New Delhi

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of a writ of Mandamus declaring that the A.P.(Agricultural Produce and Livestock) Market Act, 1966 has no application to the prawn trade and accordingly declare that the petitioner is not liable to pay licence fee and market fee and interdict the respondents from taking any action against the petitioner including prosecution under the said Act, and pass

Counsel for the Petitioner: MR.M.V.K.VISWANADHAM

Counsel for the Respondent Nos.1 to 43: MR. BADANA BHASKAR RAO, SC FOR AGRL.MRKTING

Counsel for the Respondent No.44 : G.P. for Food & Agriculture

Counsel for the Respondent No.45: Sri A.Rajasekhara Reddy,

Standing Counsel for Central Govt.

The Court made the following :

ORDER:

The writ petition is filed seeking to declare that Andhra Pradesh (Agricultural Produce and Livestock) Market Act, 1966 (for short "the Act") has no application to the prawn trade and to declare that the petitioner is not liable to pay licence fee and market fee and to interdict the respondents from taking any action against the petitioner under the said Act.

When the matter came up today, the learned counsel for the petitioner submitted that the subject matter involved in this writ petition fell for consideration before the Apex Court in **I.T.C. Ltd., Vs. Person Incharge, Agricultural Market Committee, Kakinada and others**, wherein it was held that Market Committee is empowered to levy fees on the prawns under Section 12 of the A.P. (Agricultural Produce & Livestock) Markets Act (16 of 1966).

Under the circumstances, following the said judgment, the writ petition is also dismissed for the same and similar reasons. No costs.

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N.V. RAMANA, J

Date: 14-09-2004

Asp

To:

1 The Secretary, Agricultural Market Committee,
Visakhapatnam
2 The Spl. Grade Secretary, Agricultural Market Committee,
Vijayawada, Krishna Dist.
3 The Spl. Grade Secretary, Agricultural Market Committee
Tanguturu Prakasam Dist.
4 The Spl. Grade Secretary, Agricultural Market Committee,
Martur Prakasam Dist.
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Prakasam Dt.
8 The Spl. Grade Secretary,

Agricultural Market, Committee

Ravulapalem, Kothapeta
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Food & Agricultural Dept., Secretariat,
Hyderabad
45 The Secretary, Govt. of India
Industries Dept., Central Secretariat,
New Delhi

46. Two C.Cs. to the G.P. for Food and Agriculture, High Court of A.P, Hyderabad (OUT)

47. Two C.D. copies